

HOUSE BILL 3234  
By Kernell

AN ACT to amend Tennessee Code Annotated, Title 36, relative to domestic relations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-4-101, is amended by adding the following new subdivision:

( ) Domestic violence.

Tennessee Code Annotated, Section 36-4-101, is further amended by adding before the semicolon (;) and word "and" at the end of subdivision (11) the language "as provided in §36-4-103".

SECTION 2. Tennessee Code Annotated, Section 36-4-102, is amended by deleting the section in its entirety and by substituting instead the following:

(a) In addition to the causes listed in §36-4-101, the following are causes for a legal separation:

(1) The husband or wife is guilty of such cruel and inhuman treatment or conduct towards the spouse as renders cohabitation unsafe and improper; and

(2) One spouse has abandoned the other.

(b) The circuit, chancery or such other court empowered to grant a divorce also has the power to grant an absolute divorce to either party where there has been a final decree of legal separation for more than two (2) years, upon a petition being filed by either party that sets forth the original decree for legal separation or separate

maintenance, and that the parties have not become reconciled. The court granting the absolute divorce shall make a final and complete adjudication of the support and property rights of the parties. Provided, however, nothing in this subsection precludes the court from granting an absolute divorce before the two (2) year period has expired and nothing shall authorize the court to grant a divorce contrary to the other provisions of §36-4-103.

SECTION 3. Tennessee Code Annotated, Section 36-4-103(b), is amended by deleting the first sentence in its entirety and by substituting instead the following:

No divorce shall be granted on the ground of irreconcilable differences unless the court shall affirmatively find in its decree that the parties have made sufficient provision for the equitable settlement of any property rights between the parties.

SECTION 4. Tennessee Code Annotated, Section 36-4-103(b), is further amended by designating the language as subdivision (1) and by adding the following new subdivision:

(2) No divorce shall be granted on the ground of irreconcilable differences if the parties have an unmarried child under eighteen (18) years of age until after a legal separation of not less than six (6) months.

SECTION 5. Tennessee Code Annotated, Section 36-4-103, is amended by deleting subsection (c) and substituting instead the following:

(c) A bill for divorce on the ground of irreconcilable differences must have been on file for sixty (60) days before being heard. The sixty (60) day period a bill for divorce must be on file shall commence on the date the original bill was filed and not on the date the bill was amended to include the ground of irreconcilable differences.

SECTION 6. Tennessee Code Annotated, Section 36-4-103(f), is amended by adding at the beginning of the subsection the following language:

If the criteria of subdivision (b)(2) are met,

SECTION 7. Tennessee Code Annotated, Section 36-4-116(a), is amended by deleting the language “divorce from bed and board” and substituting instead the language “legal separation”.

SECTION 8. Tennessee Code Annotated, Section 36-4-129, is amended by deleting the section in its entirety and substituting instead the following:

(a) In all actions for divorce from the bonds of matrimony or for a legal separation, the parties may stipulate as to grounds and/or defenses. Provided, however, if the parties have an unmarried child under eighteen (18) years of age, the parties may not stipulate as to a fault based ground.

(b) The court may, upon such stipulations or upon proof, grant a divorce to the party who was less at fault or, if either or both parties are entitled to a divorce, declare the parties to be divorced, rather than awarding a divorce to either party alone.

SECTION 9. This act shall take effect on July 1, 1996, the public welfare requiring it.

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